

OFFICE OF THE MAYOR  
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL  
MAYOR

ROY K. AMEMIYA, JR.  
MANAGING DIRECTOR

GEORGETTE T. DEEMER  
DEPUTY MANAGING DIRECTOR

July 2, 2018

The Honorable Ernest Y. Martin  
Chair and Presiding Officer  
and Members  
Honolulu City Council  
530 S. King Street, Room 202  
Honolulu, Hawaii 96813

Dear Council Chair Martin and Councilmembers:

SUBJECT: Bill for an Ordinance Relating to Obstructions on Public Sidewalks

I am pleased to submit to you for your consideration a Bill for an Ordinance ("Bill") that provides for greater public safety and welfare by providing unobstructed and clear passage on our public sidewalks island-wide.

The bill amends Chapter 29, Revised Ordinances of Honolulu 1990 ("Streets, Sidewalks, Malls and other Public Places") by adding a new article entitled "Creating, Causing or Maintaining Obstructions on Public Sidewalks Prohibited". The new article states that no person shall create, cause or maintain an obstruction on a public sidewalk that interferes, impedes, and /or prevents the full, free and unobstructed passage of pedestrians upon public sidewalks, between the hours from 6:00 a.m. to 10:00 p.m.

The prohibition in the bill provides for reasonable exceptions and would not apply to a person suffering from a medical emergency, engaged in protected expressive activity, engaged in permitted repair and maintenance activities, attending a festival or parade, as examples. In addition, law enforcement officers need to visually observe the obstruction and verify that there is less than 36 inches of space available for the passage of pedestrians. Failure to comply may lead to a citation or arrest, and violations may lead to a \$100 fine or a sentence to perform community service.

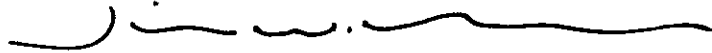
Obstructions on sidewalks have forced pedestrians to go around the obstruction, sometimes off the sidewalk and into the street. Obstructions have also caused people to be verbally or physically harassed, or to be fearful enough to consider alternative routes. This is counter to what sidewalks were made for, a pedestrian walkway, at a safe distance from street traffic, for residents of all ages.

18 JUL 5 AM 9:15 CITY CLERK

The Honorable Ernest Y. Martin  
Chair and Presiding Officer  
and Members  
July 2, 2018  
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I urge you to give serious consideration to his new Bill for an Ordinance. Unlike sit lie legislation, the bill is not related to providing access to business activity via public sidewalks. The bill is focused on taking our sidewalks back for the purpose they are created, pedestrian safety.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk Caldwell", with a long horizontal flourish extending to the right.

Kirk Caldwell  
Mayor



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL \_\_\_\_\_

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**A BILL FOR AN ORDINANCE**

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RELATING TO OBSTRUCTIONS ON PUBLIC SIDEWALKS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to provide for the unobstructed traversing upon public sidewalks by pedestrians during the hours from 6:00 a.m. to 10:00 p.m., subject to certain exceptions.

SECTION 2. Chapter 29, Revised Ordinances of Honolulu 1990 ("Streets, Sidewalks, Malls and other Public Places", as amended, is amended by adding a new article to be appropriately designated by the revisor of ordinances and to be read as follows:

"Article \_\_\_\_\_. Creating, Causing or Maintaining Obstructions  
on Public Sidewalks Prohibited

Sec. 29-\_\_\_\_. 1 Prohibition—Exceptions—Citations.

- (a) No person shall create, cause or maintain an obstruction on a public sidewalk that interferes, impedes and/or prevents the full, free and unobstructed passage of pedestrians upon public sidewalks or interferes with the normal flow of pedestrian traffic upon a public sidewalk during the hours from 6:00 a.m. to 10:00 p.m.
- (b) The prohibitions in subsection (a) do not apply to a person:
  - (1) Unable to comply due to suffering a medical emergency;
  - (2) Unable to comply due to physical or mental incapacitation;
  - (3) Engaging in protected expressive activity;
  - (4) Participating in or attending in a parade, festival, performance, rally, demonstration or similar event conducted on the street pursuant to a permit issued by the city;
  - (5) Acting as authorized or allowed by ordinance, permit or regulation issued by the City & County of Honolulu
  - (6) Any person engaged in a maintenance, repair, or construction activity on behalf of a governmental entity or a public utility;



# CITY COUNCIL

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## A BILL FOR AN ORDINANCE

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- (7) Any person sitting in line for goods or services unless the person or person's possessions impede the ability of pedestrians to travel along the length of the sidewalk or enter a doorway or other entrance alongside the sidewalk; or
- (c) No law enforcement officer shall issue a citation, make an arrest or otherwise enforce this section against any person unless:
  - (1) The law enforcement officer visually observes the interference, impediment of the full, free and unobstructed passage of pedestrians; and
  - (2) The law enforcement officers verifies that there is less than thirty-six inches of space available for passage on any public sidewalk; and.
  - (3) The officer orally requests or orders the person to refrain from the alleged violation of this section and, if the person fails to comply after receiving the oral request or order, the officer tenders a written request or order to the person warning that if the person fails to comply the person may be cited or arrested for a violation of this section.
- (d) As used in this section:

"Expressive activity" means speech or conduct, the principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of political, religious, philosophical, or ideological opinions, views, or ideas, and for which no fee is charged or required as a condition of participation in or attendance at such activity. Expressive activity generally would not include sports events, such as marathons, fundraising events, beauty contests, commercial events, cultural celebrations, or other events the principal purpose of which is entertainment.

"Obstruct" means to block up, stop up or close up, or placing an obstacle in or fill with obstacles or impediments that interfere with the passing or to be or come in the way of a pedestrian's free use of the sidewalk and provides less than thirty-six inches of space for passage

"Obstruction" means the act or condition of being obstructed; or a condition of being clogged or blocked.

"Public sidewalk" means a publicly owned or maintained "sidewalk," as defined in Section 29-1.1, and includes a "replacement sidewalk" as defined in that section. Where the property line adjacent to a public sidewalk is not clearly established, then for purposes of this article, the sidewalk is deemed to extend 10 feet away from the roadway from the curb line or pavement of the roadway.



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ORDINANCE \_\_\_\_\_

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**A BILL FOR AN ORDINANCE**

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Sec. 29-\_\_\_\_.2 Penalty.

Any person violating any provision of this article shall be subject to a \$100 fine. In lieu of a \$100 fine, a judge may sentence a person found in violation of this Section to community service.

INTRODUCED BY:

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DATE OF INTRODUCTION:

\_\_\_\_\_  
Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

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Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu